IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27730 of 2007(A)

PETITIONER:

V.C.PANKAJAVALLIYAMMA,
W/O MUKUNDAN, AGED 54 YEARS,
THEJAS, PUNNAYURKULAM,
CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.K.RAMACHANDRAN
SMT.R.MEERA

RESPONDENTS:
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1. THE COMMISSIONER, LAND REVENUE,
PUBLIC OFFICES BUILDING,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
THRISSUR.

3. THE TAHSILDAR, CHAVAKKAD.

4. THE VILLAGE OFFICER,
PUNNAYURKULAM.

5. THE REVENUE DIVISIONAL OFFICER,
THRISSUR.

6. SRI. T.KRISHNAN, THENGUMPULLY HOUSE,
KADIKKAD, P.O.PUNNAYOORKKULAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 27730 OF 2007
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Dated this the 18th day of September, 2007

J U D G M E N T

The controversy in this writ petition is in relation to a tank situated in 69 cents of land allegedly belonging to the petitioner, who got the same by succession. It is submitted that on an earlier occasion, when work for the construction of a granite wall was undertaken, Ext.P7 stop memo was issued. But this was withdrawn by Ext.P12 and accordingly work was completed. Subsequently on the basis of complaints stated to have been filed by the 6th respondent, the 1st respondent is alleged to have directed eviction of the petitioner. Thereupon, the petitioner filed Ext.P13 before the 1st respondent asserting his title and requesting him to desist from the proposed eviction. Petitioner submits that in the meantime the 4th respondent came to the property and threatened that the petitioner will be dispossessed

of the tank and the property. It is in that background this writ petition has been filed.

2. I heard the learned Government Pleader in the matter.

3. The controversy raised in this writ petition requires adjudication of the petitioner's claim of title by referring to the various documents that are relied on by her. So, this can be done only by a fact finding authority. In my view, at this stage, it is the 1st respondent, who is the most competent authority to examine the issue and the petitioner has filed Ext.P13 before the 1st respondent, which is also pending.

4. Accordingly, I dispose of the writ petition directing the 1st respondent to consider and pass orders on Ext.P13, with notice and an opportunity of hearing to the petitioner. The petitioner will be entitled to produce additional materials, if any, during the course of the adjudication by the 1st respondent. In the meantime, further proceedings pursuant to Ext.P14 issued by

the 2nd respondent shall be kept in abeyance. Orders on Ext.P13 shall be passed by the 1st respondent, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp